

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARGARET SHEARMAN,

Plaintiff,

No. C 06-1311 PJH

v.

ASTRAZENECA PHARMACEUTICALS,
L.P., et al.,

**ORDER GRANTING DEFENDANT'S
REQUESTS FOR STAYS PENDING
MDL TRANSFERS; DENYING
WITHOUT PREJUDICE MOTIONS TO
DISMISS**

Defendants.

This document also relates to:

Niemann v. Astrazeneca Pharm. et al. (C 06-1315 PJH)
Naramore v. Astrazeneca Pharm. et al. (C 06-1394 PJH)
Birkner v. Astrazeneca Pharm. et al. (C 06-1403 PJH)
Gaiman v. Astrazeneca Pharm. et al. (C 06-1500 PJH)
Coppola v. Astrazeneca Pharm. et al. (C 06-1531 PJH)

Before the court are defendant Astrazeneca's August 1, 2006 administrative motions to stay the above cases pending transfer by the Judicial Panel on Multidistrict Litigation ("JPML") to MDL-1596 and MDL-1769, plaintiffs' motions for voluntary dismissal of the actions, noticed for hearing September 6, 2006, and Astrazeneca's motion to dismiss the complaint in Coppola v. Astrazeneca Pharm. et al. (C 06-1531 PJH), noticed for hearing August 16, 2006.

The above six cases involve claims related both to the drug Seroquel, and to the drug Zyprexa, and name both Astrazeneca and Eli Lilly as defendants. On July 6, 2006, the Judicial Panel on Multidistrict Litigation ("JPML") issued a Transfer Order establishing MDL-1769, titled *In re Seroquel Products Liability Litigation*, and transferred ninety-two federal actions to the United States District Court for the Middle District of Florida.

1 Although the above six cases were not included in the cases transferred on July 6, 2006,
2 because they had been filed later than those cases identified to the MDL at the time of the
3 transfer, they were identified to the JPML as potential tag-along actions.

4 Subsequently, on August 2, 2006, the JPML issued an order conditionally
5 transferring the Zyprexa-related claims to the United States District Court for the Eastern
6 District of New York, MDL-1596, *In re Zyprexa Products Liability Litigation*. As for the
7 Seroquel-related claims, the JPML ordered that they be conditionally transferred to the
8 United States District Court for the Middle District of Florida in conjunction with MDL-1769,
9 titled *In re Seroquel Products Liability Litigation*.

10 Because transfer of the cases is imminent based on the JPML's August 2, 2006
11 order, the court GRANTS defendant's motion to stay all further proceedings in the above
12 cases pending transfer. The court also DENIES without prejudice plaintiffs' motions for
13 voluntary dismissal in all of the above cases and defendant's motion to dismiss in 06-1531
14 PJH without prejudice to refiling in the District Court to which the case is transferred by the
15 MDL. Accordingly, the court VACATES the August 16, 2006 hearing date in case no. 06-
16 1531, and the September 6, 2006 hearing date in all of the above cases.

17 **IT IS SO ORDERED.**

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19 Dated: August 8, 2006



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21 PHYLIS J. HAMILTON
22 United States District Judge
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